IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
    Rivera, Theodore
Serial No. **10/680,039**
Filed: **10/07/2003**
For: **"SYSTEM AND METHOD FOR**
    DEFECT PROJECTION IN
    TRANSACTION MANAGEMENT
    IN A TARGET COMPUTER
    ENVIRONMENT"
	Group Art Unit: **2113**
	Examiner: **MEHRMANESH, Elmira**
	
	Customer Number: **25854**
	Confirmation Number: **5277**

REPLY BRIEF

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2008

Sir,

Pursuant to 37 C.F.R. § 41.41, in view of the Examiner's Answer mailed on January 8, 2008, Applicant submits its Reply Brief as follows:

ARGUMENT

Reply to assertion in Examiner's Answer in response to Applicant's assertion that Siegel fails to disclose certain limitations in the claim under appeal.

While Applicant reasserts all of the arguments it made in its Appeal Brief and respectfully traverses all of the arguments made in the Examiner's Answer, Applicant points out that the Examiner's Answer fails to connect properly the testing data assembled by the device disclosed in Siegel for individual commands with the failure rate data assembled by the invention embodied in the claims under review for business transactions. Specifically, the Examiner's Answer fails to connect the commands disclosed by Siegel with the business transactions recited in the present claims.

The Examiner's Answer responds to Applicant's assertion that Siegel fails to disclose the

limitations of "generating an item-specific predicted business transaction failure rate" by stating that "Siegel discloses an automatic testing system to determine software reliability through the use of tester data to reflect user usage patterns." The Examiner's Answer then tries to equate a single command with a business transaction (*see*, Answer, pp. 8-9) and states that the command-by-command failure data accumulated by the Siegel system is the same as the item-specific predicted business transaction failure rate recited in the claims under review in the present Appeal. However, Applicant has made clear that a business transaction is something that has the ability to interact with "one or more other software applications." (Specification, ¶[0014]) It is clearly something more than a single command, as asserted in the Examiner's Answer. The Examiner's Answer provides no explanation or support that would support its assertion that the individual commands for which Siegel assembles data is equivalent to a business transaction, as recited in the claims under review.

CONCLUSION

For the reasons enumerated above, Applicant traverses the assertions made in the Examiner's Answer and requests that the outstanding rejections not be sustained and that all remaining claims be allowed.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 09-0461.

03/07/2008
Date

Bryan W. Bockhop
Registration No. 39,613

Customer Number: <u>25854</u>

Bockhop & Associates, LLC   Tel. 678-919-1075
2375 Mossy Branch Dr.   Fax 678-609-1483
Snellville, GA 30078   E-Mail: bwb@bockpatent.com